

STEP 6:

Reasonable Foreseeability

Add regulation 18706.1

ATTACHMENT 2:

Regulation 18706.1

STEP 6 - REASONABLE FORESEEABILITY

{Dec 3} Add

18706.1. Determining Whether a Material Financial Effect Is Reasonably Foreseeable; General Plan Decisions.

(a) If a governmental decision of a public official's agency is whether to adopt or amend a general plan, as described in subdivisions (b) and (c) of this regulation, it is not reasonably foreseeable that such decision will have a material financial effect upon that public official's economic interests.

(b) For purposes of this regulation, a governmental decision whether to adopt or amend a general plan is one in which all of the requirements below are met:

(1) The decision only identifies planning objectives or is otherwise exclusively one of policy;

(2) The decision requires further decisions by the public official's agency prior to the undertaking of a particular activity. Examples of such further decisions include, but are not limited to permitting, licensing, rezoning, a zoning variance, or adoption or change to a land use ordinance or specific plan (or its equivalent);

(3) The decision does not concern an identifiable parcel or development project, or the agency's prior, concurrent or subsequent approval of, or change to, a permit, license, zoning designation, zoning variance, land use ordinance, or specific plan (or its equivalent). An agency's decision whether to adopt or amend a general plan does not concern an identifiable parcel solely because, in the proceeding before the agency in which the decision is made, the parcel is included in a map or diagram offered in connection with the decision, and the map or diagram depicts all parcels located within the agency's jurisdiction.

1 (4) The decision does not include a matter initiated:
2 (i) By the public official in his or her private capacity;
3 (ii) By the public official in his or her official capacity, but for the purpose of
4 affecting an economic interest of the official;
5 (iii) By a person which is an economic interest of the public official; or
6 (iv) On behalf of the public official or on the behalf of any person which is an
7 economic interest of the public official.
8 (c) Definitions: For purposes of this regulation, the following phrases have the
9 meanings ascribed below:
10 (1) “Specific plan or its equivalent” means “specific plan” or any equivalent plan
11 adopted by the jurisdiction to meet the purposes described in Government Code, Title 7
12 (Planning and Zoning), Division 1(Local Planning), Article 8, §§ 65450, et seq.
13 (2) “General plan” means “general plan” as used in Government Code, Title 7
14 (Planning and Zoning), Division 1(Local Planning), Article 5, §§ 65300, et seq.
15 (3) A governmental decision whether to adopt or amend a general plan is one
16 that, in the manner described in Government Code §§ 65301 and 65301.5, grants initial
17 approval to, substitutes for, or modifies any approved component of, a general plan,
18 including elements, a statement of development policies, maps, diagrams and texts,
19 setting forth objectives, principles, standards, and plan proposals, as described in
20 Government Code §§ 65302 and 65303.
21 NOTE: Authority cited: Section 83112, Government Code.
22 Reference: Section 87100, Government Code.